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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,340	11/26/2003	Sung Gi Hwang	0465-1089P	8378
2292	7590	05/26/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				ESTREMSKY, GARY WAYNE
ART UNIT		PAPER NUMBER		
		3676		

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,340	HWANG, SUNG GI	
	Examiner Gary Estremsky	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-4, 6-13, 15 and 16 is/are rejected.
- 7) Claim(s) 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 6, 13 and 16 are objected to because of the following informalities :

Claim 6, "the hanging portion" should be replaced with one of the hanging portions" to correspond with antecedent basis provided that term without change in claim scope.

Claim 13; last line - "to hold to guide" should be rewritten as -to hold and guide- or equivalent.

Claim 16; recitation of "the coupling holes" lacks clear antecedent basis in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-4 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,082,787 to Chioffi.

Chioffi '787 teaches Applicant's claim limitations including : a "hook" - including A as shown on the face of the Patent, provided at one side of the door of the drier" - P

noting that recitation of "drier" amounts to little more than intended use since no 'drying' structure is claimed. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Ex parte Masham, 2 USPQ2d 1647 (1987). Regardless, it's well known that dishwashers, as disclosed dry dishes. Chioffi '787 also teaches : "hanging portion is formed at both sides of one end" - enlarged portions of A on either side (those portions are not symmetric) for retaining, a "latch body" - including 3, a "pair of holders" - 8b,9b in Fig 3, a "pair of springs" - 10,11. Each "holder" (8b,9b) is shown to have an overhang (at 8a,9a) analogous in function and arrangement to the claimed "hanging protrusion".

As regards claim 2, Chioffi '787 teaches a "first reception part" - including aperture at 3, a "pair of second reception parts" - channels receiving 8a,9a.

As regards claim 3, the opening at 3 (as shown in Fig 1 for example) has two communicating openings therein for receiving upper and lower parts 9a,9b.

As regards claim 4, the recesses wherein springs 10,11 are received anticipate limitation.

As regards claim 6, as shown in Fig 2, the triangular shape of (right side) protruding portion of A in Fig 2 is clearly shown.

As regards claim 7, inclined surfaces of 8b,9b are clearly shown in Fig 3.

As regards claim 11, Chioffi '787 illustrates structure on the entry or front side of the portions 8,9 (in vicinity of reference number 2 in Fig 6) and on the rear side (in the

vicinity of reference number 4 in Fig 6 or 2) where either structure reads on broad limitation of "latch cap".

4. Claims 2-4, 6, 7, 9, 11-13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 2,869,952 to Saunders.

Saunders '952 teaches Applicant's claim limitations including : a "hook" - 29, provided at one side of the door", "hanging portion at both sides" - enlarged portions of 29 on either side for retaining, a "latch body" - including 31, a "pair of holders" - including 39,41,43,44, a "pair of springs" - 47,47 as shown, a "first reception part" – the opening in the housing that receives 29, a "pair of second reception parts" – the openings within the housing that receive the 'holder' portions (39,41,43,44), a "hanging protrusion is formed on one side of each of the holders to be held by an upper end of the first reception part" – arm portion of 41 in the vicinity of 42.

Recitation of the "drier" amounts to little more than intended use of the "door" since no 'drying' structure is claimed. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Regardless, it's noted that refrigerating air inherently dries the air, as well known in the art.

As regards claim 3, vertical openings (in 31) that are in communication with larger front opening that receives part 29.

As regards claim 4, the space in the vertical portions wherein springs 36 are housed reads on limitation.

As regards claim 6, upper and lower protrusions of 29 teach "triangular" limitation.

As regards claim 7, the rollers at 44 present "inclined" surfaces to correspond with triangular protrusions of 29.

As regards claim 11, inwardly-facing U-shape channels (upper and lower) are shown to enclose the holder portions of the latch as shown in Fig 2 wherein either channel anticipates limitation of "latch cap" which is only defined by the function it performs as recited in the claim.

As regards claim 12, parts 38 read on "fixing protrusions".

As regards claim 13, parts 42 read on "guide protrusions".

As regards claim 15, the reference describes 'bolting' part 29 to the door which anticipates limitation of "screw-coupled".

As regards claim 16, Saunders '952 teaches "screws" where upper and lower sides (inherent for centered location illustrated in cross-section) of the latch read on "both sides" limitation.

Allowable Subject Matter

5. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not entirely persuasive. However, amendment and remarks have overcome several objections and rejections where accordingly, they have been withdrawn wherever possible.

Argument that prior art elements identified in grounds of rejection do not hang are not persuasive where claim limitation is broad at best noting that use of the term generally implies a flaccid connection from which a 'hanged' element is otherwise free to move. In the present disclosure, that is not the case and in the present claim, a preferred orientation that might impart some additional meaning as regards gravity is not defined. The term has been read broadly to be consistent with disclosure of same as generally requiring a protrusion. The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789. furthermore, it has been held that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Arguments for patentability of the "latch cap" limitation are not persuasive because no structure of same has been clearly defined in the claim that might be relied upon to patentably distinguish from the structure of the prior art identified above which performs the broadly-recited function accompanying the claim's limitation.

Inasmuch as the openings for the holding portions of the prior art are in communication with the opening for receiving the strike element, all limitations are taught by the prior art as regards 'holes' and 'reception parts' as they are set forth in the claim.

Argument that claim 14 has been rewritten in independent form is not consistent with the Papers of the Application wherein claim 14 is dependent from rejected claim 11.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Estremsky
Primary Examiner
Art Unit 3676